

EXHIBIT B

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

CONSOLIDATED INDUSTRIES, LLC d/b/a WEATHER KING
PORTABLE BUILDINGS,

Plaintiff,

v. Civil Action No. 1:22-cv-01230

JESSE A. MAUPIN, BARRY D. HARRELL, ADRIAN S. HARROD,
LOGAN C. FEAGIN, STEPHANIE L. GILLESPIE, RYAN E.
BROWN, DANIEL J. HERSHBERGER, BRIAN L. LASSEN,
ALEYNA LASSEN, and AMERICAN BARN CO., LLC,

Defendants.

VIDEOTAPED DEPOSITION OF

SCOTT BERRYMAN

TAKEN ON

WEDNESDAY, MAY 7, 2025

10:01 A.M.

BUTLER SNOW LLP

1320 ADAMS STREET, SUITE 1400

NASHVILLE, TENNESSEE 37208



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18 to 21

Page 18

1 -
2 MR. PASTERNAK: You can write me a note.
3 MR. MAUPIN: Oh, sorry.
4 MR. PASTERNAK: Yeah, you can't talk on
5 the record, Jesse.
6 MR. MAUPIN: Sorry.
7 BY MR. PASTERNAK:
8 Q. Have you talked to Ms. Coker about this
9 litigation?
10 A. I guess we discussed it. I don't know, I
11 don't know when, but I guess we have talked about
12 it. I'm sure we have.
13 Q. Who made -- who made the decision to bring
14 the litigation?
15 A. I guess we as a team did. I guess the
16 four of us.
17 Q. And when was that decision made?
18 A. I couldn't tell you the date on it. I
19 just know we -- we -- after the -- after we found
20 out all the damage we had.
21 Q. What was that damage?
22 A. Well, you know, they ruined our business.
23 You know, they stole our employees. They stole our
24 shop -- I mean the shop employees, the drivers. I
25 mean . . .

Page 19

1 Q. And that was why you decided to sell the
2 southern -- or the western operation's assets to Old
3 Hickory, correct?
4 A. Right.
5 Q. How did that transaction come about?
6 A. We were having a meeting and I think I
7 brought it up. I said, you know, we didn't -- we
8 were looking for somebody else besides ABCO to sell
9 it to, and I said, you know, I might give Brian a
10 call and see if he's interested. And I did. All --
11 all four of us had barn companies. Any one of us
12 could have bought it ourselves, but it was such a
13 wreck, we didn't want it.
14 Q. What did you say to Brian when you called
15 him?
16 A. I just told him what we had, and wanted to
17 see if he'd be interested. He said he'd take a
18 look.
19 Q. And who came up with the purchase price?
20 A. I guess we all did, you know.
21 Q. Was it from Old Hickory to you or from you
22 to Old Hickory?
23 A. Come again?
24 Q. Who -- who -- who -- you said all came up
25 with the purchase price, and you offered that to Old

Page 20

1 Hickory.
2 A. Right.
3 Q. Did they come back with a different
4 number?
5 A. No.
6 Q. So they accepted what you offered?
7 A. It was the face value of the products.
8 Q. Do you remember anything about your
9 conversations with Ms. Coker about the litigation?
10 A. No.
11 Q. Do you remember anything about your -- did
12 you have conversations with Mr. Boyd about the
13 litigation?
14 A. Probably, but I don't have a clue what
15 they were at this time.
16 Q. You just don't remember?
17 A. No, not three years later.
18 Q. How about any conversations with Mr.
19 Sullivan about the litigation?
20 A. No.
21 Q. You never had any or you don't remember?
22 A. I don't know any. I don't -- I don't
23 remember, because, you know, we probably talked
24 about it. I don't remember what it was at the time.
25 Q. Did you have any conversation with Mr.

Page 21

1 Hammond about the litigation?
2 A. I told him that we planned on doing it.
3 No, I -- he wasn't in the meeting, I don't think,
4 when we did it, talked about it.
5 A. Who was in that meeting?
6 A. Tim and David, myself.
7 Q. Have you talked to anyone else about this
8 litigation?
9 A. I don't remember. No one that I remember.
10 Q. Did you do anything to prepare for your
11 deposition today?
12 A. Not really.
13 Q. Did you meet with your lawyer?
14 A. I did.
15 Q. When?
16 A. Yesterday afternoon.
17 Q. For how long?
18 A. Thirty minutes.
19 Q. Did you look at any documents?
20 A. Only -- I don't think so. I don't know of
21 any documents we looked at.
22 Q. When did you first hear about Jesse
23 planning on starting his own company?
24 A. We -- David called me and said, we got a
25 problem, you need to come up. So I came up, and he

SCOTT BERRYMAN
85030

May 07, 2025

26 to 29

Page 26

1 Q. Did you do anything else?
2 A. I don't know what it would be. I don't --
3 I can't think of anything else.
4 Q. After the American Barn folks had been
5 fired, did you travel with Jesse?
6 A. Yes, I did.
7 Q. So you had no trouble continuing to work
8 with him, correct?
9 A. Not at that point. We thought that we'd
10 -- there's a good chance we were going to sell it to
11 him, so I went out there so -- with him to do the
12 inventory.
13 Q. You thought you were going to sell what to
14 him?
15 A. The inventory.
16 Q. The inventory at where?
17 A. The western shops.
18 Q. All of the western shops?
19 A. We had thought -- yes, but I didn't
20 realize the extent of what all had been done either.
21 Q. What did you come to realize had been
22 done?
23 A. That he had stolen our financial
24 statements and our profit and loss, and shown it to
25 other people.

Page 27

1 Q. And again, how did you find out about
2 that?
3 A. Well, through our meetings that we had.
4 Q. Did you think about offering the Weather
5 King assets in the western operations to other
6 buyers besides Old Hickory?
7 A. We didn't discuss it. We just wanted to
8 get -- get our money back, the sooner the better.
9 Q. And you think that what you sold it for
10 was a fair price?
11 A. All three of us -- I mean four of us had
12 an opportunity to buy it ourselves. We didn't want
13 it, the shape it was in, and the distance it was.
14 We didn't have people could do it.
15 Q. So the four partners considered buying the
16 assets?
17 A. No. I said we could have.
18 Q. What was your son's reaction when you told
19 him about what had happened?
20 A. He was stunned just like we were, I guess,
21 that this had happened.
22 Q. Do you remember what he said?
23 A. No.
24 Q. Do you know someone named Patrick Bays?
25 A. I know of him. I don't think I've ever

Page 28

1 met him. He ran a shop in Wilcox, I think.
2 Q. Did you ever talk to him?
3 A. See, I talked to him on the phone. I
4 think I said that while ago, that I talked to him on
5 the phone right after to try to get him to stay with
6 us, and he wasn't interested.
7 Q. Did you tell him that you did not realize
8 how bad the upper management was at running a
9 business?
10 A. Do what now?
11 Q. Did you ever tell him that you did not
12 realize how bad the upper management was at running
13 a business?
14 A. I don't recall that.
15 Q. And did you ever tell him, if you had
16 known they were that bad you would never have taken
17 them on as partners?
18 A. No.
19 Q. Did you tell him that you -- if you had
20 known what Jesse was going to do, you would have
21 stepped in and corrected problems at Weather King?
22 A. I don't recall.
23 Q. What are you -- what did you think of
24 Jesse Maupin when he worked at Weather King?
25 A. I liked him.

Page 29

1 Q. Do you like him now?
2 A. Thought a lot of him. Huh?
3 Q. Do you like him now?
4 A. I have a hard time accepting what he did
5 to us. I hate it.
6 Q. If you had known what he was planning on
7 doing, would you have tried to stop him?
8 A. Well, sure. Yes.
9 Q. What would you -- what would you have
10 done? Would you have corrected any problems he
11 pointed out?
12 A. I'd have tried.
13 A. Did he ever point out problems at Weather
14 King to you?
15 A. I don't think while he was -- not until
16 after, after he left.
17 Q. After he left, he pointed out problems?
18 A. He just talked like he -- he and David
19 didn't get along real well, so . . .
20 Q. So that was one problems he pointed out,
21 that he didn't --
22 A. No.
23 Q. -- get along with David?
24 A. That was later. That was after the fact.
25 Q. So you continued to talk to Jesse after he